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10/541,481

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Jesus-Javier Arauz-Rosado

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ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO, TX 75024

EXAMINER

JOHN, CLARENCE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/541,481	Applicant(s) ARAUZ-ROSADO, JESUS-JAVIER	
	Examiner CLARENCE JOHN	Art Unit 2443	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8 and 10-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8 and 10-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

This action is responsive to the communication filed on 10/14/2009. Claims 2, 9, 15 and 16 are cancelled. Claims 1, 3-8, 10-14 are pending.

Response to Arguments

Applicant's arguments filed on October 14, 2009 have been fully considered but they are **moot** in view of the new ground of rejection anticipated by Huart et al. (US 2003/0158968).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 3, 4, 8, 10 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Huart et al. (US 2003/0158968).

2. With respect to Claim 1, Huart teaches a method in a server in a telecommunication system for controlling codec selection by the server, said telecommunication system including: a first physical network (Subnet 106A, Figure 1) and a second physical network (subnet 106C, Figure 1) , and endpoint devices connected to said first and second physical networks (Links 110 connected to the main Network 102), wherein the networks offer each endpoint device a bandwidth capacity (Page 2, paragraph [0023]. Here the network regions 104A and 104C of the subnets 106A and 106C respectively have varying bandwidth capacity); the method comprising the steps of: (a) storing information related to at least one funnel network element that links said first and second physical networks, (Abstract lines 2-5, Page 1, paragraph [0028] lines 6-10, Page 2, paragraph [0028], Figure 1, Codecs 108. Here the compression/decompression algorithms –Codecs perform compression and decompression of voice packets transmitted over the network via the port 112); and imposes bandwidth limitations on communications passing through the funnel network element, (Page 2, paragraph [0023], Figure 6, Page 4, paragraph [0040] lines 1-4. This shows the bandwidth limitations between the first and second regions); said information including an address associated with said funnel network element; (Figure 5, first column - 502. This shows the network address of the endpoint identifier of the corresponding regions) and information about the bandwidth supported for communications through said funnel network element (Page 2, paragraph [0023], Figure 6, Page 4, paragraph [0040] lines 1-4.

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This shows the bandwidth supported for communications between the first and second regions) (b) receiving a communication request from a first one of the endpoint devices, (Page 4, paragraph [0040] lines 8-11, Figure 7, step 714, paragraph [0041, lines 1-3); said request containing a set of advertised codecs for said communication; (Figure 6, columns 606 and 608); c) sending an address detection message towards said first endpoint device (Figure 7, steps 702-708, Page 4, paragraph [0041], Figure 9 step 904, Page 4, paragraph [0047]); (d) selecting at least one of said advertised codecs for being used for said communication, (Abstract lines 2-5, Page 1, paragraph [0017], Figure 6, Page 2, paragraph [0029] lines 14-17); the selection being performed depending upon whether an answer to said address detection message includes said address of funnel network element (Figure 5-first column – 502, Figure 9, step 906, Page 4, paragraph [0047] lines 6-8) , wherein the selecting step includes: receiving the answer to the address detection message (Figure 9, step 906; Page 4, paragraph [0047] lines 6-8); determining whether the answer includes the address of the funnel network element (Figure 9, steps 904-906); determining whether the answer includes the address of the funnel network element (Figure 9, steps 904-906, paragraph [0047] lines 6-8); selecting an advertised codec suitable for handling communications limited by the bandwidth limitations imposed by the funnel network element (Abstract lines 2-5, Page 1, paragraph [0017], Figure 6, Page 2, paragraph [0029] lines 14-17) ; when the answer to the address detection message includes the address of the funnel network element

(Figure 9, steps 904-906. Page 4, paragraph [0047] lines 6-8. Here the answer to the request includes the address).

3. With respect to Claim 3, Huart teaches the method of claim 1, wherein the stored information related to the funnel network element further comprises information about the codecs supported for communication through said funnel network element, (Page 1, paragraph [0021] lines 6-7, Page 2, paragraph [0028] Here, the information stored related to codec allows communication between the first and the second subnets via Links 110 connected to the main Network 102); and wherein the selection of step (d) further depends on said codec information (Page 1, paragraph [0028] lines 3-8).
4. With respect to Claim 4, Huart teaches the method of claim 1, wherein said address detection message is a path-discovery message (Page 5, Claim 3. Here determining the address detection message includes network address based on the Network path which is a path discovery message).
5. With respect to Claim 8, Riddle teaches an apparatus for controlling codec selection in a server of a telecommunication system, said telecommunication system including at least a first physical network (Subnet 106A, Figure 1) and a second physical network, a second physical network (subnet 106C, Figure 1) , and a plurality of endpoint devices connected to said first and second physical

networks (Links 110 connected to the main Network 102), each of said physical networks offering each endpoint device a bandwidth capacity (Page 2, paragraph [0023]. Here the network regions 104A and 104C of the subnets 106A and 106C respectively have varying bandwidth capacity), the apparatus including comprising: (a) a call control processor for receiving a communication request (Page 4, paragraph [0040] lines 8-11, Figure 7, step 714, paragraph [0041, lines 1-3); said request containing a set of advertised codecs for said communication; (Figure 6, columns 606 and 608); (b) a database for storing information (Page 1, paragraph [0006], lines 1-3, Figure 2, memory 206) related to at least one funnel network element that links said first and second physical networks, (Abstract lines 2-5, Page 1, paragraph [0028] lines 6-10, Page 2, paragraph [0028], Figure 1, Codecs 108. Here the compression/decompression algorithms –Codecs perform compression and decompression of voice packets transmitted over the network via the port 112); and imposes bandwidth limitations on communications passing through the funnel network element, (Page 2, paragraph [0023], Figure 6, Page 4, paragraph [0040] lines 1-4. This shows the bandwidth limitations between the first and second regions) said information including an address associated with said funnel network element; (Figure 5, first column - 502. This shows the network address of the endpoint identifier of the corresponding regions); and information about the bandwidth supported for communications through said funnel network element (Page 2, paragraph [0023], Figure 6, Page 4, paragraph [0040] lines 1-4. This shows the bandwidth supported for

communications between the first and second regions); c) a funnel detection unit for sending an address detection message towards said first endpoint device (Figure 7, steps 702-708, Page 4, paragraph [0041], Figure 9 step 904, Page 4, paragraph [0047]); (d) selecting at least one of said advertised codecs for being used for said communication, (Abstract lines 2-5, Page 1, paragraph [0017], Figure 6, Page 2, paragraph [0029] lines 14-17); the selection being performed depending upon whether an answer to said address detection message includes said address of funnel network element (Figure 5-first column – 502, Figure 9, step 906, Page 4, paragraph [0047] lines 6-8) , wherein the codec selection unit includes: means for receiving the answer to the address detection message (Figure 9, step 906; Page 4, paragraph [0047] lines 6-8); means for determining whether the answer includes the address of the funnel network element (Figure 9, steps 904-906); determining whether the answer includes the address of the funnel network element (Figure 9, steps 904-906, paragraph [0047] lines 6-8) ; means for selecting an advertised codec suitable for handling communications limited by the bandwidth limitations imposed by the funnel network element (Abstract lines 2-5, Page 1, paragraph [0017], Figure 6, Page 2, paragraph [0029] lines 14-17) ; when the answer to the address detection message includes the address of the funnel network element (Figure 9, steps 904-906. Page 4, paragraph [0047] lines 6-8. Here the answer to the request includes the address).

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6. With respect to Claim 10, Huart teaches the apparatus of claim 8, wherein the stored information related to the funnel network element further comprises information about the codecs supported for communication through said funnel network element, (Page 1, paragraph [0021] lines 6-7, Page 2, paragraph [0028]. Here, the information stored related to codec allows communication between the first and the second subnets via Links 110 connected to the main Network 102); and wherein the codec selection unit (d) selects at least one of the codecs based on codec information (Page 1, paragraph [0028] lines 3-8).
7. With respect to Claim 11, Huart teaches the method of claim 8, wherein said address detection message is a path-discovery message (Page 5, Claim 3. Here determining the address detection message includes network address based on the Network path which is a path discovery message).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5-7 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huart in view of Garakani (US 6, 578, 087).

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9. With respect to Claims 5 and 12, Huart teaches the limitations of Claims 4 and 11 respectively as described above. Huart also teaches address detection message and path discovery message. However, Huart does not explicitly state about the path-discovery message is a TRACEROUTE message.
10. Conversely, Garakani does in fact teach such limitation. Garakani discloses in his teachings about IP path tracing by using the traceroute program (Column 1, lines 42-45 and lines 49-53) and ARP protocol which does in fact teach that the path tracing is a traceroute message. (Column 9, lines 23-27 Here, the traceroute program discovers the path when a message is sent).
11. Huart teaches in his network consisting of subnets about selecting a codec based on IP address detection message and an answer which includes the network address and path. Garakani teaches IP path tracing using traceroute in a network. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined the teachings of Garakani with Huart in order to better manage the devices in a computer network based on tracing the address of the endpoint device.
12. With respect to Claims 6 and 13, Huart teaches limitations of Claims 1 and 8 respectively as described above. Huart also teaches address detection message and path discovery message. However, Huart does not explicitly state wherein said address detection message is an address-resolution message.

13. Conversely, Garakani discloses in his teachings about IP path tracing and address detection by using the traceroute program (Column 1, lines 42-45 and lines 49-53) and ARP protocol which does in fact teach that the address detection message is an address resolution message. (Column 9, lines 23-27. Here the address detection message uses the Address Resolution Protocol).
14. Huat teaches in his network consisting of subnets about selecting a codec based on IP address detection message and an answer which includes the network address and path. Garakani teaches IP path tracing using traceroute in a network. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined the teachings of Garakani with Huat in order to better manage the devices in a computer network based on tracing the address of the endpoint device.
15. With respect to Claims 7 and 14, Huat and Garakani teach the limitations as described in Claims 6 and 13 respectively as described above. However, Huat does not explicitly state in his teachings wherein said address detection message is an ARP message.
16. Conversely, Garakani discloses in his teachings about IP path tracing using the traceroute program (Column 1, lines 42-45 and lines 49-53) and ARP protocol (Column 9, lines 23-27. Here the ARP message is an address detection message)

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17. Huart teaches in his network consisting of subnets about selecting a codec based on IP address detection message and an answer which includes the network address and path. Garakani teaches IP path tracing using traceroute in a network. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined the teachings of Garakani with Huart in order to better manage the devices in a computer network based on tracing the address of the endpoint device.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CLARENCE JOHN whose telephone number is (571)270-5937. The examiner can normally be reached on Mon - Fri 8:00 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Tonia Dollinger can be reached on 571-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CJ/
Patent Examiner
Art Unit 2443
1/21/2010

/Tonia LM Dollinger/
Supervisory Patent Examiner, Art Unit 2443